UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

ALLAH@,
 	
              Petitioner,
 	
       v.
 	
ANCER L. HAGGERTY and
DONALD R. HOLBROOK,
 	
              Respondents.
	NO. 4:19-CV-05279-SAB
	
	ORDER DISMISSING ACTION

On February 14, 2020, this Court ordered Petitioner, a *pro se* prisoner at the Washington State Penitentiary, to submit a completed *in forma pauperis* application within twenty-one (21) days of the date of that Order. ECF No. 3. In the alternative, Petitioner was advised that he could pay the full $5.00 filing fee. Petitioner was advised that his failure to do so would result in the dismissal of this action. Petitioner has neither paid the filing fee nor sought *in forma pauperis* status as required by Rule 3(a)(2), Rules Governing Section 2254 Cases in the United States District Courts.

Rather, Petitioner appealed the Order to the Ninth Circuit Court of Appeals. ECF No. 4. The appeal was dismissed for lack of jurisdiction, ECF No. 11, and the Mandate was issued on April 20, 2020. ECF No. 12. Consequently, **IT IS**

ORDER DISMISSING ACTION -- 1

1 **ORDERED** the Motion Regarding Supplemental Notice of Appeal, ECF No. 7, is

2 **DENIED as moot.**

3   Having failed to comply with Habeas Rule 3(a)(2), **IT IS ORDERED** this

4 action is **DISMSSED without prejudice.**

5   **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order,

6 enter judgment, provide copies to Petitioner, and **close** the file. The Court certifies

7 that, pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could not be

8 taken in good faith and there is no basis upon which to issue a certificate of

9 appealability. See 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A certificate of

10 appealability is therefore **DENIED.**

11   **DATED** this 28th day of April 2020.

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16   Stanley A. Bastian

17   United States District Judge

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ORDER DISMISSING ACTION -- 2